

RULE AT-8. APPOINTMENT OF COUNSEL IN CRIMINAL AND CIVIL CASES

(a) CRIMINAL APPOINTMENTS.

(1) Participation. All attorneys licensed to practice in, and residing in the San Antonio Division of the Western District of Texas shall participate in the representation of persons under the Criminal Justice Act (CJA) as amended, 18 U.S.C. § 3006A, except as set out in paragraph (b) below. Appointments of attorneys will be determined by the attorney's experience and qualifications. Acceptance of CJA appointments is required for an attorney to maintain good standing to practice in the United States District Court for the Western District of Texas.

(2) Questionnaire. From time to time a questionnaire will be sent to all licensed attorneys who reside in the San Antonio Division of the Western District of Texas. This questionnaire will require detailed information as to qualifications and experience of each attorney. The completed questionnaires will be referred to the Classification Committee of the CJA Panel. Each newly licensed resident attorney in the San Antonio Division shall also complete and return the questionnaires as required. Any attorney who fails to comply in full with the questionnaire procedure shall have his or her license to practice in the Western District of Texas suspended until such time as the attorney shall complete and return the questionnaire.

(3) Classification. The Classification Committee shall review the questionnaires referred to it, along with such other information as may become known to the committee and assign each attorney either to "Panel A" or "Panel B". Panel A attorneys are attorneys deemed qualified by reason of experience, training, and ability to handle any CJA appointment on a first-chair basis. Panel B includes all other attorneys.

(4) Appointment of Counsel. The Judge or Magistrate making an appointment under the CJA shall determine, after reviewing the apparent complexity or magnitude of a particular case, whether to appoint an attorney from Panel A or Panel B, and may appoint one or more second-chair counsel. An attorney appointed from Panel A who desires and requires assistance may request the assignment of second-chair counsel from Panel B. Upon receiving such request, the Court or the Magistrate may assign one or more attorneys from Panel B to assist lead counsel, under the direction of lead counsel. Attorneys from both panels may receive compensation and expenses for services which are not duplicated by other counsel.

(5) Reclassification. The CJA Panel Classification Committee, with the assistance of the U.S. District Clerk, shall keep records of appointments and assignments and reassignments of Panel B attorneys, as well as dispositions of assigned cases. The CJA Panel Classification Committee shall:

(a) Annually review those records, along with such other information as may become known to it, and reclassify attorneys, when appropriate. Such review may also be initiated by a request for reclassification made to the Court by an attorney in Panel B.

(b) Meet periodically to transact such business as may be required by this Rule.

(6) Discipline. A Panel A attorney to whom a Panel B counsel has been assigned shall notify the appointing judicial officer of any dereliction or failure to participate by second-chair counsel. The Magistrate will screen and resolve these matters with a right of appeal to the Chief Judge for appropriate action.

(7) Exemptions. All attorneys licensed to practice in, and residing in the San Antonio Division of the Western District of Texas shall be subject to CJA appointments provided, however, that attorneys who have attained the age of 55 years, and who so request, shall be exempted from further participation.

(8) Law Student Participation. The Magistrate may assign qualified and certified law students or unlicensed law school graduates, in accordance with Local Rule AT-7, to assist Panel A and Panel B attorneys in providing CJA representation.

(b) CIVIL APPOINTMENTS.

All attorneys licensed to practice and residing in the San Antonio Division of the Western District of Texas have an obligation to accept appointments in civil cases under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(f)(1) and in proceedings in forma pauperis under 28 U.S.C. § 1915(D). The questionnaire referenced in Section (a)(2) of this Rule shall be used to determine which attorneys will accept civil appointments in lieu of receiving a criminal appointment. The name of each such attorney shall remain on the CJA Panel, but shall be appropriately asterisked to indicate that the attorney will accept civil appointments. When an attorney accepts a civil appointment under this procedure, his or her name will remain on the panel list, but when the attorney's name reaches the top of a list for a criminal appointment, it will automatically go to the bottom of the list.

Rule AT-8 shall become effective the 6th day of January, 1986, and shall be applicable only in the San Antonio Division until otherwise ordered by this Court.